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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,339	10/14/2003	G. Eric Engstrom	109909-135059	7182

25943 7590 01/25/2006

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EXAMINER

STEIN, JULIE E

ART UNIT PAPER NUMBER

2688

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/686,339	Applicant(s) ENGSTROM ET AL.	
	Examiner Julie E. Stein, Esq.	Art Unit 2688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 10 recites the limitation "the menu driver" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 5-7 and 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,608,637 to Beaton et al.

Beaton teaches all the elements of independent claim 5 and dependent claims 6-7, including

a mobile communication device (Figure 2, wireless mobile phone (claim 7))

comprising:

a plurality of functions (column 2, lines 7 to 12) to support a plurality of activities (column 4, lines 60 to 67) to be performed using the mobile communication device (Id.),

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the activities including at least a call activity (Figure 6 and 7 and column 5, line 57 to column 6, line 43);

a navigation button (Figure 2, four buttons evident in center of phone); and
a menu driver (GUI manager 4100) to facilitate a user to navigate among selectable sub-activities of one activity, including presenting the selectable sub-activities as a scrollable list nested in a presentation of the activity (Figures 7 and 8A-8C) and; wherein the activity is a selected one of a call activity (column 6, line 26 to 28), a chat activity, a radio activity, and a web browsing activity (claim 6).

The rejections of claims 5-7 are hereby incorporated. Beaton discloses all the elements of independent claim 11 and dependent claim 12, including in a mobile communication device (Figure 2), a method of operation, comprising: receiving a user navigation input (column 6, line 1); and

in response, navigating into one of a plurality of selectable sub-activities of an activity (column 6, lines 19 to 67), including presenting the selectable sub-activities as a nested scrollable list of selectable sub-activities of the activity (Figures 7 and 8A-8C),

wherein the activity is a selected one of a call activity (column 6, lines 26 to 43), a chat activity, a radio activity, and a web browsing activity (claim 12).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beaton.

The rejections of claims 5-7 and 11-12 are hereby incorporated. Beaton teaches all the elements of independent claim 1 and dependent claims 2-4, including a mobile communication device (Figure 2, mobile phone (claim 4)) comprising:

a plurality of functions (column 2, lines 7 to 12) to support a plurality of activities (column 4, lines 60 to 67) to be performed using the mobile communication device (Id.), the activities including at least a call activity (Figure 6 and 7 and column 5, line 57 to column 6, line 43);

a navigation button (Figure 2, four buttons evident in center of phone); and

a menu driver (GUI manager 4100) to facilitate a user to navigate from one activity to another (column 5, line 57 to column 6, line 43), in response to user inputs provided through the navigation button (Figure 2), including saving a first state of a first activity from which the user is navigating from (Figure 6 and column 5, line 57 to column 6, line 7, which indicate that GUI manager 4100 may suspend, save, resume, stop, etc. one application and move to another application in response to user commands), and entering a second state of a second activity to which the user is navigating to (Id.), further wherein the menu driver (GUI manager 4100) is designed to facilitate a user to interact with selectable sub-activities of an activity as a nested scrollable list (Figures 7 and 8A-8C) of selectable sub-activities of the activity (claim 3) and,

wherein the first activity is a call activity (column 6, line 26 to 28), a chat activity, a radio activity, or a web browsing activity and the second activity is a different activity

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selected from the call activity (a second call, column 6, lines 30 to 3), the chat activity, the radio activity, and the web browsing activity (claim 2).

However, Beaton does not explicitly teach that entering a second state of a second activity to which the user is navigating to is the state in which the user last left the second activity (recited in claim 1). However, Beaton does teach that the GUI manager 4100 manages applications, such as application 6400, shown in Figure 6, and that application 6400 may be started, stopped, suspended, resumed, saved, or initialized, in response to user commands. See Figure 6 and column 6, lines 1 to 7. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to understand that when a user moved from one application to another, the user would move to the previous state the application was in, as this would have been saved by the GUI manager because as taught by Beaton, this would provide a multitasking GUI to the user and allow a user to manage major communication tasks in order of importance and initiate or maintain a voice call while performing other tasks. See Beaton, column 6, lines 1 to 18.

Dependent claims 2-4 are addressed above in the rejection of claim 1.

The rejections of claims 1-7 and 11-12 are hereby incorporated. Beaton teaches all the steps of independent claim 8 and dependent claims 9-10, including in a mobile communication device (Figure 2, mobile phone), a method of operation, comprising:

receiving a user navigation input (column 6, line 1); and

in response, navigating from a first activity to a second activity (column 6, lines 1 to 7), including saving a first state of a first activity from which the user is navigating from (Figure 6 and column 5, line 57 to column 6, line 7, which indicate that GUI

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manager 4100 may suspend, save, resume, stop, etc. one application and move to another application in response to user commands), and entering into a second state of the second activity to which the user is navigating to (Id.), further wherein the menu driver (GUI manager 4100) is designed to facilitate a user to interact with selectable sub-activities of an activity as a nested scrollable list (Figures 7 and 8A-8C) of selectable sub-activities of the activity (claim 10) and,

wherein the first activity is a call activity (column 6, line 26 to 28), a chat activity, a radio activity, or a web browsing activity and the second activity is a different activity selected from the call activity (a second call, column 6, lines 30 to 3), the chat activity, the radio activity, and the web browsing activity (claim 9).

However, Beaton does not explicitly teach that entering a second state of a second activity to which the user is navigating to is the state in which the user last left the second activity (recited in claim 8). However, Beaton does teach that the GUI manager 4100 manages applications, such as application 6400, shown in Figure 6, and that application 6400 may be started, stopped, suspended, resumed, saved, or initialized, in response to user commands. See Figure 6 and column 6, lines 1 to 7. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to understand that when a user moved from one application to another, the user would move to the previous state the application was in, as this would have been saved by the GUI manager because as taught by Beaton, this would provide a multitasking GUI to the user and allow a user to manage major communication tasks in order of importance and initiate or maintain a voice call while performing other tasks. See Beaton, column 6, lines 1 to 18.

Dependent claims 9-10 are addressed above in the rejection of claim 8.

Response to Arguments

8. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, U.S. Patent No. 6,975,710 to Fujino et al, teaches the concept of temporarily disconnecting a web browser connection to answer a telephone call and then reconnecting the web browser at the same point it was disconnected; and U.S. Patent Application Publication No. 2003/0013483 teaches a handheld wireless device that allows a user to move between recently used user applications.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Stein, Esq. whose telephone number is (571) 272-7897. The examiner can normally be reached on M-F (8:30 am-5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JES


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SUPERVISORY PATENT EXAMINER